

DUI Initiatives

The Montana Department of Justice, headed by Attorney General Steve Bullock, is not happy with the status quo in Montana regarding drinking and driving. Although the vast majority of first-time DUI offenders never drive drunk again, an alarming number of repeat drunken drivers continue to endanger Montana drivers by getting behind the wheel drunk. Additionally, current Montana law allows suspected drunken drivers to avoid submitting to a Breathalyzer test and face no criminal penalties. And statistics show that while all drunken driving is dangerous, the most deadly drivers are those with the highest concentration of alcohol in their blood.

These problems are not insurmountable, and we don't have to spend a lot of money to achieve the safe roads all Montanans deserve. This is our plan:

Simple, Effective & Low-Cost Solutions: A 3-Step Plan to Combat DUI in Montana



STOPPING REPEAT DUIs BEFORE THEY HAPPEN: As First-Time DUI Arrests Decrease, Repeat Offenses Skyrocket

THE FACTS: In 2010, Montana has seen:

- a **3% decrease** in first offense DUI convictions – this will be the fourth straight year that we've seen a decrease. The vast majority of first offenders will never get a DUI again.
- an **11% increase** in second or subsequent DUI convictions – this will mark the sixth straight year that we've seen such an increase and is the greatest number of convictions for a second or subsequent DUI in Montana history.
- a **39% increase** in felony DUI convictions (4th or subsequent) – this year will mark the greatest number of felony DUI convictions in Montana history.

CONCLUSION: Ramped up enforcement, coupled with public education and awareness, is leading to cultural change in Montana. Fewer and fewer people are driving intoxicated. But increased enforcement is also revealing that many repeat offenders still simply aren't getting the message: driving drunk puts us all at risk.

DOJ's PLAN: Statewide implementation of the 24/7 Sobriety Project, under which anyone who is arrested for a second or subsequent DUI is required to take a breath test twice a day, every day, and stay sober 24 hours a day, 7 days a week. The tests, which are paid for by the offenders, will be administered from the time of the offense until the completion of

their sentence. A pilot project in Lewis and Clark County has been incredibly successful: over 99% of tests have returned 0.00 BAC and it hasn't cost the state or local authorities any additional funds.

CRIMINALIZING REFUSAL: Current Law Provides a Giant Loophole for Drunk Drivers

THE FACTS:

- 2010 has seen the highest number of refusals in Montana history – with 3,000 offenders refusing tests.
- Montana has had more refusals this year than convictions for first offense DUI.

CONCLUSION: Drunk drivers have identified a giant loophole in Montana law and are avoiding law enforcement by refusing to take blood or breath alcohol tests.

DOJ's PLAN: Those refusing a test would be subject to the same criminal penalties as a motorist convicted of driving drunk.

AGGRAVATED DUI: Cracking Down on High BAC Offenders

THE FACTS:

- Nationally, 72% of drivers killed in drunken driving crashes had a BAC of 0.15 or higher.
- In Montana, the average BAC of drivers involved in fatal crashes is more than twice the legal limit – 0.19 in 2007, 0.17 in 2008 and 0.18 in 2009.

CONCLUSION: Fatal crashes — costing hundreds of lives in Montana — are frequently caused by those with high BACs.

DOJ'S PLAN: Creating the penalty of aggravated DUI, at 0.15 BAC and higher, would save lives by imposing stricter penalties on those who drink heavily and drive.

SOURCE: All state statistics are attributable to the Montana Department of Justice, Motor Vehicle Division, Records & Driver Control Bureau. National statistics are attributable to "The State of Drunk Driving Fatalities in America, 2009" The Century Council, Washington, D.C.